

From: [Robert Cervone](#)
To: [Kelly, Adriana](#)
Cc: [Elizabeth Rowe](#)
Subject: Re: Starbucks, Case 18-RC-297612 (West Allis)
Date: Wednesday, August 3, 2022 2:43:58 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.png](#)
[image005.jpg](#)
[image006.jpg](#)

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Adriana:

Please accept this email as the Petitioner's request to withdraw the petition in 18-RC-297612. Due to the Employer's ongoing and severe unfair labor practices, the conditions necessary for a fair election do not exist at this time.

Robert S. Cervone

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH, LLP

8 S. Michigan Ave., 1900

Chicago, IL 60603

(312) 801-8848 (Office)

(312) 372-6599 (Fax)

On Wed, Jul 6, 2022 at 2:24 PM Kelly, Adriana <Adriana.Kelly@nlrb.gov> wrote:

Thank you, everyone. Tomorrow's hearing has been cancelled.

From: Gotzler, Michael <MGotzler@littler.com>
Sent: Wednesday, July 6, 2022 11:33 AM
To: Kelly, Adriana <Adriana.Kelly@nlrb.gov>; Robert Cervone <rcervone@laboradvocates.com>
Cc: Yellin, Michael <MYellin@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

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With initials this time

From: Kelly, Adriana <Adriana.Kelly@nlrb.gov>
Sent: Wednesday, July 6, 2022 11:11 AM
To: Gotzler, Michael <MGotzler@littler.com>; Robert Cervone <rcervone@laboradvocates.com>
Cc: Yellin, Michael <MYellin@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

Can you please re-send with your initials on first three pages?

From: Gotzler, Michael <MGotzler@littler.com>
Sent: Wednesday, July 6, 2022 10:52 AM
To: Kelly, Adriana <Adriana.Kelly@nlrb.gov>; Robert Cervone <rcervone@laboradvocates.com>
Cc: Yellin, Michael <MYellin@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

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Signed and attached.

Michael Gotzler
Shareholder

608.287.3701 direct, 608.576.4838 mobile, 608.856.2407 fax
MGotzler@littler.com



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10 E Doty St, Suite 800, Madison, WI 53703

From: Kelly, Adriana <Adriana.Kelly@nlrb.gov>
Sent: Wednesday, July 6, 2022 10:31 AM
To: Robert Cervone <rcervone@laboradvocates.com>
Cc: Yellin, Michael <MYellin@littler.com>; Gotzler, Michael <MGotzler@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

Thanks, Bob.

Mike Gotzler, please initial and sign the Union's signed copy.

From: Robert Cervone <rcervone@laboradvocates.com>
Sent: Wednesday, July 6, 2022 10:22 AM
To: Kelly, Adriana <Adriana.Kelly@nlrb.gov>
Cc: Yellin, Michael <MYellin@littler.com>; Gotzler, Michael <MGotzler@littler.com>
Subject: Re: Starbucks, Case 18-RC-297612 (West Allis)

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Signed and attached.

Robert S. Cervone

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH, LLP

8 S. Michigan Ave., 1900

Chicago, IL 60603

(312) 801-8848 (Office)

(312) 372-6599 (Fax)

On Wed, Jul 6, 2022 at 10:06 AM Kelly, Adriana <Adriana.Kelly@nlrb.gov> wrote:

Any update?

From: Kelly, Adriana

Sent: Tuesday, July 5, 2022 2:41 PM

To: Robert Cervone <rcervone@laboradvocates.com>

Cc: Yellin, Michael <MYellin@littler.com>; Gotzler, Michael <MGotzler@littler.com>

Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

Correct. If we had a hearing, I would read the specific *Aspirus*-related requests to be included in the post-hearing brief.

From: Robert Cervone <rcervone@laboradvocates.com>

Sent: Tuesday, July 5, 2022 2:39 PM

To: Kelly, Adriana <Adriana.Kelly@nlrb.gov>

Cc: Yellin, Michael <MYellin@littler.com>; Gotzler, Michael <MGotzler@littler.com>

Subject: Re: Starbucks, Case 18-RC-297612 (West Allis)

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The hearing is currently scheduled for Thursday, but the submissions are due on July 14. Is the July 14 submission in lieu of a hearing on July 7?

Robert S. Cervone

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH, LLP

8 S. Michigan Ave., 1900

Chicago, IL 60603

(312) 801-8848 (Office)

(312) 372-6599 (Fax)

On Tue, Jul 5, 2022 at 2:31 PM Kelly, Adriana <Adriana.Kelly@nlrb.gov> wrote:

I have attached a proposed Stipulation of Record.

Please review and let me know if it is acceptable, or if you have any issues or concerns.

Thanks,

Adriana

From: Kelly, Adriana

Sent: Friday, July 1, 2022 2:47 PM

To: Yellin, Michael <MYellin@littler.com>; Robert Cervone <rcervone@laboradvocates.com>

Cc: Gotzler, Michael <MGotzler@littler.com>

Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

I understand the Employer's position. It's not the first time this has been a point of contention and the Region is unwilling to change its practice.

I sent out a meeting invitation for Tuesday at 1:30 p.m. since it appears we are going to hearing. We will be talking about Board Exhibit 2 so that everyone can be prepared to litigate issues, if any, at hearing. If the sole issue is manual vs. mail, the parties can make their respective statements about the election modality on the record and address it in their briefs.

On a lighter note – Happy 4th of July! Hope you all have a safe and fun long weekend.

From: Yellin, Michael <MYellin@littler.com>
Sent: Friday, July 1, 2022 1:58 PM
To: Kelly, Adriana <Adriana.Kelly@nlrb.gov>; Robert Cervone <rcervone@laboradvocates.com>
Cc: Gotzler, Michael <MGotzler@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

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Thanks, Adriana. The rate today is unlikely to be the same at the time of the election (and thus is not really relevant). From our perspective, we should assume that we will be able to move forward with an in-person election and, if that turns out not to be the case, we can pivot to mail ballot (as has been done in other Regions).

I can be available at 1:30 on Tuesday.

Have a great weekend!

Mike

Michael Yellin

Attorney at Law

414.978.4610 direct, 414.708.6975 mobile

MYellin@littler.com

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111 East Kilbourn Avenue, Suite 1000, Milwaukee, WI 53202

From: Kelly, Adriana <Adriana.Kelly@nlrb.gov>**Sent:** Friday, July 1, 2022 1:23 PM**To:** Yellin, Michael <MYellin@littler.com>; Robert Cervone <rcervone@laboradvocates.com>**Cc:** Gotzler, Michael <MGotzler@littler.com>**Subject:** RE: Starbucks, Case 18-RC-297612 (West Allis)

It appears that there has been no change in positivity from the previous week (13.1%) and we are still at “medium” CDC level per the Milwaukee County dashboard (updated on Fridays on noon). See:

<https://mcoem.maps.arcgis.com/apps/dashboards/018eedbe075046779b8062b5fe1055bf>

Please let me know how you’d like to proceed and whether 1:30 p.m. on Tuesday works for a conference call. Thanks!

From: Kelly, Adriana**Sent:** Friday, July 1, 2022 9:09 AM**To:** Yellin, Michael <MYellin@littler.com>; Robert Cervone <rcervone@laboradvocates.com>**Cc:** Gotzler, Michael <MGotzler@littler.com>**Subject:** RE: Starbucks, Case 18-RC-297612 (West Allis)

Hi all,

The Covid numbers are supposed to be updated by noon today. I just wanted to send out this email to keep this petition on your radar in case you’re taking off early for the Holiday weekend. If we are still at the “medium” CDC level, is the Employer willing

to enter into a stipulated record?

Because the hearing is scheduled for Thursday, we will need to schedule a pre-hearing conference call on Tuesday afternoon. Does 1:30 p.m. on 7/5/22 work for everyone?

Thanks,

Adriana

From: Kelly, Adriana
Sent: Wednesday, June 29, 2022 4:56 PM
To: Yellin, Michael <MYellin@littler.com>; Robert Cervone <rcervone@laboradvocates.com>
Cc: Gotzler, Michael <MGotzler@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

Unfortunately the positivity rate alone is a circumstance where a manual election would be inappropriate. Our Region will not make an exception when the CDC level is at medium.

Since the election method is not a litigable issue, we can proceed with a Stipulated Record to avoid a hearing if this is the only issue keeping us from reaching an agreement.

From: Yellin, Michael <MYellin@littler.com>
Sent: Wednesday, June 29, 2022 1:17 PM
To: Robert Cervone <rcervone@laboradvocates.com>; Kelly, Adriana <Adriana.Kelly@nlrb.gov>
Cc: Gotzler, Michael <MGotzler@littler.com>
Subject: RE: Starbucks, Case 18-RC-297612 (West Allis)

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Hi, Adriana:

If I read Bob's email correctly, it sounds like both parties are willing to stipulate to an in-person election. Our understanding based on the Board's [summary](#), is that there are six relevant factors, only one of which (14-day testing positivity rate in the county where the facility is located) is potentially at issue. So this would not seem like a basis on which to refuse to approve a stipulated in-person election (especially because that rate could very well be lower at the time of the election). We are willing to agree to similar safety protocols to those used in other Regions for recent in-person elections.

Many thanks,

Mike

Michael Yellin

Attorney at Law

414.978.4610 direct, 414.708.6975 mobile

MYellin@littler.com



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From: Robert Cervone <rcervone@laboradvocates.com>

Sent: Wednesday, June 29, 2022 10:34 AM

To: Kelly, Adriana <Adriana.Kelly@nrb.gov>

Cc: Yellin, Michael <MYellin@littler.com>

Subject: Re: Starbucks, Case 18-RC-297612 (West Allis)

We are open to either approach.

Robert S. Cervone

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH, LLP

8 S. Michigan Ave., 1900

Chicago, IL 60603

(312) 801-8848 (Office)

(312) 372-6599 (Fax)

On Wed, Jun 29, 2022 at 7:47 AM Kelly, Adriana <Adriana.Kelly@nlrb.gov> wrote:

Bob and Mike,

If there is a possibility for a stipulated election agreement, I'd love to hammer that out as soon as possible given that next week is a shorter week due to the 4th of July holiday.

I understand that the Employer is seeking a manual election. Unfortunately we are still using the *Aspirus* factors and positivity in Milwaukee County is above 12%. We will, however, consider approving a stip if the CDC community level is low (green). Although it's close, we are still at the medium level (yellow). See:

<https://mcoem.maps.arcgis.com/apps/dashboards/018eedbe075046779b8062b5fe1055bf>

As a reminder, the hearing is scheduled for Thursday, July 7.

Thanks,

Adriana

Adriana Kelly | Field Examiner

National Labor Relations Board, Subregion 30

310 West Wisconsin Avenue, Suite 450W



Milwaukee, Wisconsin 53203-2211

(phone) 414-930-7199

(fax) 414-297-3880

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**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18 - SUBREGION 30**

STARBUCKS CORPORATION

Employer

and

**CHICAGO AND MIDWEST REGIONAL JOINT
BOARD, WORKERS UNITED AFFILIATED
WITH SERVICE EMPLOYEES
INTERNATIONAL UNION**

Petitioner

Case 18-RC-297612

**ORDER APPROVING WITHDRAWAL OF PETITION
AND CANCELLING ELECTION**

The Petitioner has submitted a request to withdraw its petition in the above case. Investigation shows no inconsistent action with the request. Accordingly,

IT IS ORDERED that the Petitioner's request to withdraw its petition has been approved.

IT IS FURTHER ORDERED that the election scheduled to commence on August 5, 2022 is cancelled. Inasmuch, the Employer should post this order next to all Notices of Election that were previously posted.

Dated: August 3, 2022

JENNIFER A. HADSALL
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 18, BY

/s/ Benjamin Mandelman

BENJAMIN MANDELMAN
OFFICER-IN-CHARGE
NATIONAL LABOR RELATIONS BOARD
SUBREGION 30
310 West Wisconsin Avenue, Suite 450W
Milwaukee, WI 53203-2246